

UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA
Civil No. 10-4989 (DSD/JSM)

Boutuivi Ahlin Sanvee,

Plaintiff,

v.

ORDER

Hennepin County Medical Center,

Defendant.

This matter is before the court upon the second pro se motion for an extension by plaintiff Boutuivi Ahlin Sanvee and the report and recommendation of United States Magistrate Judge Janie S. Mayeron. Based on a review of the file, record and proceedings herein, the court denies the motion for extension and adopts the report and recommendation.

BACKGROUND

Sanvee filed a largely unintelligible complaint and applied to proceed in forma pauperis on December 28, 2010.¹ The complaint appeared to involve a medical release, but failed to state a claim. Rather than summarily dismiss the complaint the magistrate judge gave Sanvee an opportunity to amend his complaint on or before

¹ Review of the record in this action and a parallel action suggests that the instant action arose as a part of Sanvee's pro se effort to amend his complaint in the other action. See Motion to Amend Complaint, at 3-7, Sanvee v. Hennepin County Human Services, No. 10-527 (D. Minn. Dec. 20, 2010), ECF No. 29.

April 15, 2011. See ECF No. 3. The magistrate judge cautioned Sanvee that the action would be dismissed if he did not respond. Sanvee did not respond.

On June 29, 2011, the magistrate judge issued a report and recommendation, in which she recommends dismissing this action without prejudice for failure to prosecute. On July 8, Sanvee requested an extension of time to object. Objections were then due July 14. The court extended the deadline to July 22, 2011. ECF No. 9. On July 22, 2011, the court received a document styled "Motion of Extension." Sanvee states that he is "traversing a lack of concentration while reading the Law in order to find the right citations" and asks for more time to respond. ECF No. 10, at 1. The request largely concerns Sanvee's attempts to find employment and claimed harms by nonparty Hennepin County Human Services and an attorney named Cheri Sudit.²

DISCUSSION

I. Second Request for Extension

The court already granted a substantial extension, and the instant request provides no basis to infer that additional time might allow Sanvee to produce a more coherent response. Other than

² Sudit is the attorney of record for defendant Hennepin County Human Services in Sanvee's other action, case number 10-527.

asking for more time the content of the instant request appears unrelated to this action. Therefore the court denies the request.

II. Review of Report and Recommendation

In the interest of justice the court construes the filing as an objection and conducts a de novo review of the report and recommendation. 28 U.S.C. § 636(b)(1)(C); Fed. R. Civ. P. 72(b)(3); D. Minn. LR 72.2(b). After a de novo review the court finds that the report and recommendation of the magistrate judge is well reasoned and correctly disposes of the action. The complaint fails to state a claim, and the magistrate judge gave Sanvee over three months to file an amended complaint. He did not do so. Sanvee's only filings are two requests containing material not relevant to this action. He has not submitted an amended complaint. Therefore, dismissal is warranted.³

CONCLUSION

Accordingly, **IT IS HEREBY ORDERED** that:

1. The motion for extension of time [ECF No. 10] is denied;
2. The report and recommendation [ECF No. 5] is adopted in full;

³ Dismissal is also warranted for failure to state a claim for the reasons stated in the March 16, 2011, order.

3. The application to proceed in forma pauperis [ECF No. 2] is denied; and

4. This action is dismissed without prejudice.

LET JUDGMENT BE ENTERED ACCORDINGLY.

Dated: August 1, 2011

s/David S. Doty
David S. Doty, Judge
United States District Court